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SUBJECT: DRC INSTILLS CORPORATE SOCIAL RESPONSIBILITY
INTO FORESTRY SECTOR MANAGEMENT

¶11. (U) Summary: Since the approval of the Forestry Code by the Government of the Democratic Republic of the Congo (GDRC) in 2002, the Congolese government has engaged in several mandatory reforms. In fact, the GDRC has begun to recognize the multiple social, economic, and environmental values of forests and is incorporating the rights of traditional forest-users including local communities into its approaches to forest management. In its strategy, the GDRC has cancelled illegally-obtained logging contracts or those which were approved before the new 2002 code, taken steps to implement participatory forest zoning, and worked to insure that transparency, participation of civil society, rural people and local communities become part of the forestry conservation and management effort. Introducing corporate social responsibility has appeared as a key mile stone for the sustainable use of forestry resources. While the DRC has made good progress on sound management of its forests with various donors' support, there are still many steps which need to be implemented. End summary.

Workshop to clear draft "Cahier des Charges"

¶12. (U) A workshop to analyze and propose principles and procedures for local communities to share benefits from logging concessions was held November 4-6, 2009 in Kinshasa under the authority of the DRC Minister of Environment, Conservation of Nature, and Tourism and sponsored by the German Agency for Development (GTZ), United States Forest Service (USFS), USAID's Central African Regional Program for the Environment, and the World Wildlife Fund (WWF). (Note: The U.S. Department of State transferred funds to USFS to help organize the workshop. End note.) The purpose of the workshop was to discuss corporate social responsibility in the forestry sector and to develop a model agreement ("cahier des charges" in French) and approaches for timber companies to fulfill their social responsibilities with local communities and nomadic peoples under the DRC Forestry Code. The model of the agreement and negotiation guidelines were drafted by a local NGO called the Council for Environmental Defense by Legality and Traceability, known under its French acronym CODELT.

¶13. (U) The workshop gathered key national stakeholders of the DRC forestry sectors, including representatives of forestry companies, NGOs, local communities, and the Ministry of Environment, Conservation of Nature and Tourism staff. Participants divided into four different committees. They analyzed the process of drafting a cahier des charges and examined guidelines drafted by a preparatory committee. They also reviewed a model cahier des charges and tools for the training of key actors, including representatives of the local communities, forestry companies, and forestry administration staff.

Judicial and Technical Bases of the "Cahier des Charges"

¶14. (U) DRC's 2002 Forest Code requires a contract ("cahier des charges") between timber concessions and local communities and nomadic peoples (pygmies). Ministerial Decree No. 28/CAB/MIN/ECT-T 27/JEB/08 of August 7, 2008 provides some models of forest concession contracts with local and nomadic peoples. The workshop focused largely on the social aspect of the contract. That is, the workshop explored ways for forest concessions to meet their social infrastructural (i.e. hospitals, schools, roads and transport) responsibilities to local people as required by the Forest Code. This law requires the timber concessionaires to finance socioeconomic infrastructures to benefit local communities.

¶15. (U) On a technical level, the workshop attempted to operationalize the principles proposed at a forest concession title workshop which took place from March 4 through 6, 2009. The March 2009 workshop proposed subsequent steps to be taken after the process of title verification reduced the number of forestry concession titles from 156 to 65. In order to achieve a sustainable management of the new concessions, the March "post-conversion" workshop suggested launching a participatory forest zoning process to build consensus on which forest areas should be biodiversity reserves, production forests, rural community forests, or converted to other uses. (Comment: The guidelines are still in draft form. End comment.) The workshop recommended that the "cahier des charges" should be regarded as a summary of rights and responsibilities between the forestry concessionaire and the local community. The "cahier des charges" is a mechanism designed to directly spread forestry-sector revenues and foster local economic development. In order to comply with the provisions of Ministerial Decree No. 28, the concessionaire must prepare a management plan and

have it approved by the Ministry of Environment, Conservation of Nature and Tourism within four years from the date of the conversion of the forestry titles. During the intermediate period, the concessionaire would work on the basis of a business plan.

Workshop Boosts CSR in Forestry

¶16. (U) The workshop enhanced tools already used in the field, and paved the way for the implementation of key steps decided during the March 2009 post-conversion workshop. All the stakeholders agreed on key principles that may guide the implementation of corporate social responsibilities within the DRC forestry sector: the social agreement engages reciprocally both sides, the payment should be done at two levels (construction of socioeconomic infrastructures on a per cubic-meter of harvested timber payment basis and in-kind payment for actions of common interest. End note.)

¶17. (U) First of all, beneficiaries would be communities and nomadic peoples holding a customary use of the concession; which means that there would be as many agreements as local communities are identified by the participative zoning area (Note: Local communities do not own the forest, which belongs to the central government. They have certain rights of use listed in the Forest Code. These rights were established in 1960 and are now enshrined in the new code, but local people have not been subsequently informed or aware of the law. Consequently, many communities mistakenly believe they own the land. End note.) The proposals from the workshop would require that a map be attached to the agreement defining the boundaries of the local communities' forest, as well as listing the specific local community affected by the agreement. Secondly, a management committee would be set up to run the fund made available by the concessionaire. The fund would remain under the management of the concessionaire, who would recruit manpower within the local community. The concessionaire would compensate the local community for any damages. Thirdly, the local community would collaborate with the concessionaire to fight against illegal logging and poaching and also participate in a sustainable management of forest resources. A local committee would be set up and led by the administrator of the territory. Finally, the agreement signed by the local community and the forestry company would be publicized, and put into a national register.

¶8. (U) Comment: The workshop engaged different stakeholders successfully to deepen their perspectives of the DRC forestry sector. In this way, it will help to avoid traditional misunderstandings often prevalent in the DRC during the implementation of policies and will add substantial clarity toward a sustainable use of the resources of the world's second-largest rain forest. However, the process initiated by the post conversion workshop has been slow to occur, according to some observers. Reform in the DRC forestry sector is an uncompleted task and it is lagging behind the time frames stipulated in the laws and decrees for this process. Unnecessary delays have already occurred as the draft "cahier des charges" must be validated by yet another workshop. Moreover, some participants pointed out weaknesses in the process. They alleged that the period of four years required to Qprocess. They alleged that the period of four years required to prepare the environmental plan is too short, and some provisions of the agreement simply ignore the pre-existence of the civil law in the country. Additionally, there is no insistence on taking into account the eventual pre-existing planning for provincial development. End comment.

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